

# Proposed Rules

Federal Register

Vol. 67, No. 41

Friday, March 1, 2002

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## GENERAL ACCOUNTING OFFICE

### 4 CFR Part 21

#### General Accounting Office, Administrative Practice and Procedure, Bid Protest Regulations, Government Contracts; Correction

**AGENCY:** General Accounting Office.

**ACTION:** Advance notice of proposed rulemaking; correction.

**SUMMARY:** This document corrects information in the Supplementary Information section in an advance notice of proposed rulemaking published in the **Federal Register** of February 25, 2002 (67 FR 8485) regarding revisions to the General Accounting Office's (GAO) Bid Protest Regulations. This correction states the correct GAO electronic mail address to which public comments may be sent.

**FOR FURTHER INFORMATION CONTACT:** John M. Melody, 202-512-8274.

#### Correction

In advance notice of proposed rulemaking FR Doc. 02-4337, beginning on page 8485 in the issue of February 25, 2002, make the following correction, in the Supplementary Information section. On page 8485 in the 3rd column, the last paragraph should be corrected to read as follows: "Comments may be submitted by hand delivery or mail to the address in the address line, by e-mail at *BidProtestRegs@gao.gov*, or by facsimile at 202-512-9749."

Dated: February 26, 2002.

**John M. Melody,**

*Assistant General Counsel.*

[FR Doc. 02-4944 Filed 2-28-02; 8:45 am]

**BILLING CODE 1610-02-M**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 948

[Docket No. FV02-948-1 PR]

#### Irish Potatoes Grown in Colorado; Increase the Minimum Size Requirement for Area No. 2

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This rule would increase the minimum size requirement for all varieties of potatoes produced in Area No. 2 of Colorado, except for the round varieties, and the Russet Burbank, Russet Norkotah, and Silverton Russet varieties. This rule would raise the minimum size requirement from 1 7/8 inches to 2 inches in diameter or 4 ounces in weight. This size change is based on a recommendation of the Colorado Potato Administrative Committee (Committee), the agency responsible for local administration of the marketing order for potatoes grown in Colorado. This change is intended to improve the marketing of Colorado potatoes and increase returns to producers.

**DATES:** Comments must be received by April 30, 2002.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; Fax: (202) 720-8938, or E-mail: [moab.docketclerk@usda.gov](mailto:moab.docketclerk@usda.gov). Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: <http://www.ams.usda.gov/fv/moab.html>.

**FOR FURTHER INFORMATION CONTACT:** Dennis L. West, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, suite 385, Portland, Oregon 97204-2807; telephone: (503) 326-2724, Fax: (503) 326-7440; or George Kelhart, Technical Advisor,

Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 720-8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, fax: (202) 720-8938, or e-mail: [Jay.Guerber@usda.gov](mailto:Jay.Guerber@usda.gov).

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR part 948), regulating the handling of Irish potatoes grown in Colorado, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.